

July 9, 2007

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Tucker and Curtis attending. Council members Rueger and Cooper were not present. Others attending were Supt. Gray, Attorney Funkhouser, Attorney Folz, Chief Beloit, Chief Reese, Comm. Epison, Danny and Rita Moss, Larry Williams, Sheila Stewart, Sis Claxton, Ann Blackburn, Becky Higgins, Cecil Waters, Roy Maynard, Jim Powers, Brian Jefferies, Nancy Sexton, Judy Whitten, Geneva James, MAI – Megan Stock, Johnson Controls – Dick Honebrink and from the Mt. Vernon Democrat – Tiffani Eisenhut.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions.

Councilman Curtis said on page four of the minutes he believes the mailing date at the bottom of the page should be June 14th instead of May 14th and the date on the same line should be June instead of May. Mayor Knowles stated she believe this was just an oversight by the Clerk-Treasurer. Councilman Curtis stated he also wanted to correct about 10 lines above where the minutes stated that Councilman Curtis stated they have 30 days to respond from the receipt of the letter and they need something in writing from IDEM to go on. He stated that it should say they need something in writing **for** IDEM to respond to, not from. Mayor Knowles stated for IDEM to respond to. Councilman Curtis stated they already sent us the letter.

Mayor Knowles then asked if pending those changes they are ready to approve the minutes. Councilman Curtis moved approving the minutes pending the revisions. Seconded by Board member Tucker.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that anyone wishing to address the Council should approach the podium and state their name and nature of their business.

Mayor Knowles requested action on the claims presented.

Councilman Askren stated she has a question regarding one the claims from Bose McKinney. Mayor Knowles asked if that was the claim she mentioned at the last meeting. Board member Askren stated she was not at the last meeting. Mayor Knowles stated that claim was split in half for each utility. Mayor Knowles stated that was the claim she asked about in advance. Councilman Curtis stated this is the one that they did the work and he asked if it could be done locally and Attorney Funkhouser stated he thought they could do it quicker. Mayor Knowles stated this is the bond financing tiff on the Buckley project. She stated she asked about it at the last Water Utility Board Meeting. The only possible thing is the \$75.00 could have been pulled out but that seemed so minimal if you split \$75.00. Councilman Tucker was questioning the bond

issue. The city has paid X amount of dollars. Mayor Knowles asked Councilman Tucker what was his question. Councilman Tucker stated according to the letter the 2004 general lack of pollution control refunding bond. Mayor Knowles stated that is the bond issue where the City received \$10,000. Councilman Tucker stated any relief we could give the water and sewer we should. He stated they did pay the City \$10,000 for us to sign off on that and he thought maybe that might come from that money. Mayor Knowles stated she believes that money was put in the general fund, it wasn't put into the economic development fund that was prior to them having that fund set up. The \$10,000 that they have in there now is from the Buckley project so it is actually coming from that money because it was put in the general fund so it is still there. She then stated she guessed not because you are taking it out of the water. She stated they could ask Clerk-Treasurer Wolfe if she could reimburse the water portion from the general fund, she didn't know if that was a possibility or not. Councilman Curtis said to ask her. Mayor Knowles asked if they want to approve the claims with the Bose McKinney claim or without. Councilman Curtis stated he is ok with it. Councilman Askren moved the claims presented be allowed for payment. Seconded by Councilman Curtis. Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

*****CLAIMS*****

Mayor Knowles stated they will now hear the report of the Water Superintendent. Supt Gray stated the letter has been drafted and sent to Attorney Higgins in regards to the IDEM response and she has made some corrections to that. Supt Gray stated he has changed it and gave it back to her to sign and send off. Mayor Knowles asked for a copy of that. Supt Gray stated he will now turn it over to Dick Honebrink to give an update on the meter project. Dick Honebrink with Johnson Controls stated the meter part of the project is now complete they completed it the week before last. He stated they have run all the routes and commissioned all the meters in fact it is being used for billing purposes right now so it is a solid reliable system. The engineering that was approved at the last meeting the option is ongoing so that is preceding. He then stated the unfortunate part that they found upon completion was that we had 160 meters in locations that were actually inactive accounts. The data base that was giving to them was from a windows based system which we are not using yet for the billing purposes. It is showing 160 inactive accounts as active, they didn't know the difference. They were installed and they need to go and get the meters and get them in the warehouse. Mr. Honebrink stated that the billing is still scheduled and will happen on July 31st it will be a three day process to get it installed. He stated he will be here for the duration of the installation and then he will turn us loose. He asked if there were any questions. Mayor Knowles asked if they will be running dual billing? Mr. Honebrink stated yes they will be running dual billing for probably about several months. He didn't know the exact duration of that but it they will be certainly be doing that.

Councilman Curtis asked when they will know how long they will have to do that. Mr. Honebrink stated he believed it was three months but he will check on that. Mayor Knowles stated she believed it was three months also and stated State Board of Accounts would be able to tell you that. Mr. Honebrink stated he can find out tomorrow.

Councilman Curtis stated you plan on having it installed by Aug 3rd of 4th and with possibly two possibly three billing cycles.

Mayor Knowles asked if there were any questions for Supt. Gray or Mr. Honebrink?

Mayor Knowles asked if they have their financial report? Cristi is not here, so she is not sure if they have that or not.

Mayor Knowles asked if Deputy Clerk-Treasurer had any Communications for the Board? Deputy Clerk-Treasurer replied not at this time.

Mayor Knowles stated the first item on the Legal portion of the agenda is opening bids received on the filter project.

Deputy Clerk-Treasurer state the first bid was from Deig Bros. which has a base bid of \$732,747.00 with a addition to the original bid for alternate 1 for \$ 271, 680.00 it also has a deletion of influent and backwash piping for -\$90,900.00 The second bid is from Precision Piping and Mechanical, Inc for a lump sum of \$510,665.00 with a alternate 1 add: for \$45,625.00. The third bid was received from Sterling Boiler and Mechanical, Inc. and is for \$700,000.00.

Mayor Knowles asked if anyone entertains a direction on the bids. Attorney Funkhouser states what they probably need to do is give a copy to Attorney Higgins to see if it is a responsible bidder and see who the lowest bidder is and report back to the board.

Mayor Knowles asked if she can have a motion to that effect.

Board member Askren makes a motion we refer to attorney for lowest responsible bidder, Seconded by Board member Tucker.

Mayor Knowles state all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles stated on the Presentation from audience we have Sheila Stewart on the Mulberry Water Tower on the agenda. Ms. Stewart approached the podium and asked when you come into Mt. Vernon what is the first thing you see? It is the water tower that says Mt. Vernon and you can see it all the way from Marrs it is like a landmark. If anyone has looked at it now it looks terrible and needs to be painted. She thinks if they could find money to do it or get the community involved or find out how to raise funds, but it really needs to be taken care of. It is rusted all the way around and to the top and she thinks something that is the first thing you see that has Mt. Vernon on it should be honored a little bit better than rusted out. Ms. Stewart stated she has lived next to it for 16 years and it hasn't been painted since then. She stated she knows they don't have any money in the water department but she is willing to start fund raisers or get the community involved to get money. Ms. Stewart stated she would be willing to work with anyone to find out if there are any grants or anything to get that done. Ms. Stewart stated she is really proud of the community and stated that we are starting to get things done with the beautification and old houses torn down and would really like to see something

done. Mayor Knowles stated they originally had the money earmarked that they are using for the filters to paint the water tower. That is the money they are spending and she knows they know it needs painting, they even went as far as to get bids. Councilman Tucker stated you are right and stated he recently took a trip to the South and he noticed school logos on the water towers.

Mayor Knowles asked if anyone else in the Audience wished to address the Board? Megan Stock approached the podium from Moore and Associates and she wanted to give an update on the grant money since we got the bids tonight. The BIF is the Build Indiana Fund and there is \$80,000 still available there, SRF grant there is \$156,101 as of today which gives you the \$236,101 and then the remaining from Siemens the supplier of the filter they still have left to invoice \$152,750 to be delivered in Aug. Which leaves us with \$83,351. Mayor Knowles stated if that is SRF that is a loan not a grant she wanted to make sure because grants they give to you loans you have to pay back. It is a state revolving fund loan. Mayor Knowles stated that there is actually a \$500,000 grant thru the state that the council could apply for.

Mayor Knowles asked if there was anyone else in the Audience wishing to address the Board? There was no response

Mayor Knowles asked if there was any Old Business? There was no response.

Mayor Knowles asked if there was any new Business? There was no response.

Mayor Knowles state if there were no further business, she entertains a motion to adjourn.

Board member Curtis moved the meeting be adjourned. Seconded by Board member Askren.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously and adjourned the meeting.

Rosemary L. Knowles
Mayor

ATTEST:

Denise D. Dike
Deputy Clerk-Treasurer

July 9th, 2007

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Tucker and Curtis attending. Council members Rueger and Cooper were not present. Others attending were Supt. Gray, Attorney Funkhouser, Attorney Folz, Chief Beloit, Chief Reese, Comm. Epison, Danny and Rita Moss, Larry Williams, Sheila Stewart, Sis Claxton, Ann Blackburn, Becky Higgins, Cecil Waters, Roy Maynard, Jim Powers, Brian Jefferies, Nancy Sexton, Judy Whitten, Geneva James, MAI – Megan Stock, Johnson Controls – Dick Honebrink and from the Mt. Vernon Democrat – Tiffani Eisenhut.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Tucker.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that anyone wishing to address the Council should approach the podium and state their name, and the nature of their business.

Mayor Knowles stated they will now hear the report of the Standing Committees.

Street & Lights:

Comm. Epison announced that over next month they will be doing street improvements crack and seal and a lot of road work in general. He stated he is asking the public for patience and please pay attention to the workers with traffic signals it only takes one mistake to lose a workers life. He also stated they will be starting to do the mosquito fogging next week in the evenings and if anyone wants a copy of the chemicals they use they can call the Street Dept. at 838-2352 or it is on the Mt. Vernon web site.

Mayor Knowles asked if there were any questions?

There were none.

Police & Dogs:

Chief Beloit stated he has no report.

Mayor Knowles asked if there were any questions?

There were none.

Fire:

Chief Reese stated he has no report.
Mayor Knowles asked if there were any questions?
There were none.

Sewer:

Supt. Givens was not present.

Mayor Knowles stated the first item on the Legal Portion of the Agenda is the second reading of the proposed Ordinance to Amend Ordinance 06-22, the Ordinance Establishing Salaries and Wages for Employees and Appointed Officials for the City of Mount Vernon, In for 2007. Mayor Knowles stated we can't suspend the rules we don't have enough members.

Board member Curtis moved the ordinance pass second reading. Seconded by Councilman Tucker.

Mayor Knowles requested a roll call vote.

Roll was called by the Deputy Clerk-Treasurer with Council voting as follows:
Askren – yes, Tucker – yes, Rueger – Absent, Curtis – yes, Cooper – absent.

Mayor Knowles stated the next item on the Legals is the Ordinance to Amend Schedule I. Stop Intersections of Chapter 74: Traffic Schedules of the Mt. Vernon Code of Ordinances, in reference to the 3-way STOP at the riverfront. Councilman Askren makes a motion, Seconded by Councilman Curtis.

Mayor Knowles asked if there were any questions?

Roll was called by the Deputy Clerk-Treasurer with Council voting as follows:
Askren – yes, Tucker – yes, Rueger – absent, Curtis – yes, Cooper – absent.

Mayor Knowles stated next on the agenda is the nomination for Posey County Economic Development Commission. Councilman Curtis asked Mayor Knowles if she knows how long this appointment is for? Mayor Knowles said she assumed their attorney put that on the agenda but she assumed a year. Councilman Curtis stated it is new and they were wanting quick action for action to be taken tomorrow but he wasn't sure how long the appointment was for. Mayor Knowles stated she thought this was for your nomination for your yearly person. Attorney Folz said she is assuming this is for a year and this is to serve out until your regular appointments are to be made. Mayor Knowles asked if someone resigned.

Attorney Folz stated this is a totally new position that the county is beginning an Economic Development Commission they have a RDC now they are going to have an EDC. They have to have the Economic Development Commission for the county and need a representative from the City. Mayor Knowles stated the Economic Development we already have established is the Mt. Vernon Economic Development Commission but they are going to do a county one?

Attorney Folz stated the appointment had to be from this council. Councilman Curtis stated no he believed it didn't have to be, he thought they could appoint anyone from the community. He stated he just received this last night. Mayor Knowles stated she didn't receive anything on this. Councilman Tucker stated he thinks Councilman Curtis is right it can be someone from the council or someone nominated by the council. Attorney Folz

agreed she thinks they are right. Councilman Tucker believes right now it would have to be someone with a lot of flexible hours and time with what this project is anticipating. Councilman Curtis stated he did not have time to call anyone to find out if they would like to serve; it would have to be someone willing to serve from the community. Attorney Folz said she believes the timeline is moving fairly quick. Councilman Curtis stated like he said he didn't get a chance to call anyone and is not willing to nominate anyone without having a chance to talk to them and see if they are willing to serve and have the time to do that unless it is someone here. Councilman Curtis stated for the record he does not have the time to do this and he feels it needs to be someone with a vested interest and is actively involved. Attorney Folz stated the county is actually the ones that will vote on who the members are they are just asking Mt. Vernon to nominate someone. Mayor Knowles stated the rules are real clear on Indiana Code who appoints who. She stated on the Mt. Vernon Economic development she makes an appointment, the Council makes an appointment and the County does. Councilman Askren stated we are just nominating not appointing. Mayor Knowles stated she knows but the law is pretty clear. Attorney Folz stated you are just making a nomination as to whom you would like serving on that board but they are the ones who decide. Attorney Folz stated she thinks it is a three member council. Mayor Knowles said the code she looked at was real clear and said who had to nominate and who has to appoint. Attorney Funkhouser stated the City might be different. Attorney Funkhouser stated he could look it up but he didn't know about it ahead of time. Attorney Funkhouser stated they could table it, unless they need an appointment now. Mayor Knowles stated they will miss meetings. Councilman Tucker stated they have one tomorrow at 10:30 a.m. Attorney Funkhouser asked can they not do business without it?

Councilman Askren asked if there was anyone in the Audience who would like to be on it, anyone listening who would like to be on it, but stated we can't have anyone for tomorrow. Attorney Folz stated unless it is one of you three. Attorney Funkhouser stated if one of you three vote and you vote yes and the Mayor gives her ok you are covered no matter what. Mayor Knowles stated unless there is a different code for their Economic Development. Attorney Folz stated the Posey County Council establishes the Economic Development Committee and was just asking the City to make nomination to EDC. Councilman Curtis does not have a nomination. Councilman Tucker would be glad to serve on the board the problem is if we want to meet the deadline it has to be someone here but he stated they could table it. Councilman Curtis stated his he feels it should probably be someone from the community rather than this elected body. Councilman Curtis is willing to table it. Mayor Knowles stated we are going to table it until later.

Mayor Knowles stated the next item on the agenda is the consideration of special meeting concerning County Option Income Tax Ordinance. Attorney Folz stated that the county tomorrow is going to address taking the freeze off the county option income tax. Right now it is two tenths of one percent and the legislator has enabled the county to take off those freezes. The council is going to vote on that tomorrow and if the council passes it the Clerk-Treasurer will get notice of that. She stated the problem is we have a very short period of time it has to be done by August 1st. Attorney Folz stated we would have to publish notice by Thursday the 18th ten days after that would be the 28th which would

mean the 30th is the first Monday. We need to call a special meeting on the 30th in the event the county passes this COIT resolution. Councilman Askren asked what time. Attorney Folz stated that is up to you, you would just have to publish the notice. Councilman Curtis asked if we would just like to replace the normal Council meeting on the 23rd to the 30th. Mayor Knowles stated it didn't matter to her. Mayor Knowles stated that would just push the normal meeting back seven days. Attorney Folz stated it doesn't matter we just need to publish it tomorrow. Councilman Tucker makes a motion to change normal meeting from the 23rd to July 30th.

Councilman Curtis seconds that.

Mayor Knowles asks if there were any questions?

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote she reported the motion carried unanimously.

Mayor Knowles stated next on the agenda is presentations from the audience. She stated we have Sheila Stewart to approach the podium.

Ms. Stewart approached the podium to discuss something near and dear to her heart. She wants to discuss the near molestation of a child in Griffin Indiana when we had an alert in the surrounding county. She stated she doesn't like for children to be afraid she stated we are a small town but when something happens like this children are scared to go out in the yard. Ms. Stewart stated she thinks we need to have programs to make the children aware of the danger. There are so many kids being hurt, killed or kidnapped even though it hasn't happened here it can. We are so close to the state lines it wouldn't take long for a child to be taken and be across the state line.

She stated she would like to see programs offered by the schools and the City and what she was thinking about was, way back when each block of the city a red block or star in the window. Children knew if they needed help they could go to that house. She stated in this town we have people who are home all the time, if a child needed help they could go to that house and be safe. These people could be checked out by the police to make sure that they are ok. Most parents are working and alot of kids eleven and older are left at home for two hours or so after school. She stated this program would make us aware of those that are left home alone and make us more responsible as a community to our kids. Ms. Stewart stated she would like to see a program started with school coming up in another month or so and she would like to get to the schools, communities, business, everybody. She would like to keep our community safe and keep our children safe. Ms. Stewart stated maybe they would like to get a committee together. She would like to make the children aware of what they need to do but not to be totally afraid.

Ms. Stewart stated next she would like to address the Council on a dog issue. She has three large dogs that are next door to her. She stated she has an 8 and 10 year old nieces that ride their bikes outside of her home. The dogs get out every day. They have a fence but the dogs get out under the fence. They broke the window out of their house jumping out at the kids. She stated they did it again and have broken out a third window. Ms. Stewart has complained and the police have come out and said they would write enough tickets they would have pay out enough money. She stated the dogs are vicious. Ms. Stewart stated she has a 7 pound dog that was outside the other day and dog came across

the fence and she had to take a pole and hit it. She stated she shouldn't have to worry about going outside with people with these dogs. She stated these dogs charge, she has even given the neighbor a dog pen. She stated you can go by the house when the neighbor lets them out and there they go. She stated they have gotten out and she said you can ask Chief Beloit he has seen them out. Ms. Stewart stated she doesn't know what the ordinance is and she spoke to Clerk-Treasurer Wolfe a couple months ago about what could be done. She stated the dog catcher has picked up a couple of them, but she still has the three big ones. She stated she doesn't know what to do and she thought she would come tonight to find out if there was an ordinance to where they would force her to keep the dogs chained up because the fence isn't helping. She stated one neighbor has put her house up for sale because she just can't take it. She stated she can't go out in the yard to even mow the grass and the neighbor behind her has moved out. Ms. Stewart stated the neighborhood has even gone downhill.

Mayor Knowles asked Ms. Stewart if she knew that the ordinances were online and asked Ms. Stewart if she had been on the City Website. Ms. Stewart said no she had not.

Mayor Knowles stated the website is www.mountvernon.in.gov. Attorney Funkhouser stated there is a harboring a vicious dog ordinance and he thinks it ties into impounding a dog, but he is not sure. He stated if the animal is vicious you could impound the dog. He stated he knew we switched the enforcement to Terry and he is not sure how the police are handling that. Mayor Knowles stated Terry is still the animal control officer City and County so he would still enforce the animal. Attorney Funkhouser stated under the ordinance he believes Terry could impound the animal.

Ms. Stewart stated she doesn't know if they got rid of or if Terry impounded one of them. He told them the next time they got out he would take them to court but they have been out several times. Attorney Funkhouser asked if tickets had been written on the dogs.

Ms. Stewart stated she believe yes, and knows he has warned her.

Chief Beloit approached the podium and said he certainly sympathizes with Ms. Stewart and is very familiar with her situation. He stated they have been out numerous times Animal Control and officers and unfortunately this is one of those things where there is a process to follow. Chief Beloit stated when we take the dog and write the ticket and they pay the fine there is nothing on the books to allow us to do anything else. He stated that is what we are doing, a couple of the dogs they have gotten rid of, but there are still a few over there. Chief Beloit stated he is very aware of the situation but we have to play within the framework of the rules. He stated he would be happy to talk to Sheila to see if there is something we can do to get it resolved.

Mayor Knowles asked if there were any questions.

There were none.

Mayor Knowles asked if there was anyone else from the audience wishing to approach the podium.

Mayor Knowles asked if there were any old business.

There were none.

Mayor Knowles asked if there were any new business.

There were none.

Mayor Knowles stated we will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Tucker stated he has no report.

3rd District Councilman Rueger was not present.

4th District Councilman Curtis stated had a call from someone about a dog. But he has not spoken to that person yet. He stated maybe next time he will have a report about a dog.

Councilman-at-Larger Cooper was not present.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Councilman Askren moved the meeting be adjourned. Seconded by Councilman Curtis. Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote; she reported the motion carried unanimously and adjourned the meeting.

Rosemary L. Knowles
Mayor

ATTEST:

Denise D. Dike
Deputy Clerk-Treasurer